



Document:

O.C.G.A. § 40-6-10

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Current through Act 6 of the 2025 Regular Session of the General Assembly but not including corrections and changes made by the Office of Legislative Counsel.

[Official Code of Georgia Annotated](#) [TITLE 40 Motor Vehicles and Traffic \(Chs. 1 – 16\)](#)
[CHAPTER 6 Uniform Rules of the Road \(Arts. 1 – 15\)](#) [Article 1 General Provisions \(§§ 40-6-1 – 40-6-17\)](#)

40-6-10. Insurance requirements for operation of motor vehicles generally.

(a)

(1) As used in this Code section, the term "mobile electronic device" means a portable computing and communication device that has a display screen with touch input or a miniature keyboard.

(1.1) Upon the request of the insured, an insurer may issue a verification as to the existence of minimum motor vehicle liability insurance coverage as required under Chapter 34 of Title 33 in an electronic format to a mobile electronic device to the extent available. This paragraph shall not require an insurer to provide such verification of coverage in real time.

(1.2) The owner or operator of a motor vehicle for which minimum motor vehicle liability insurance coverage is required under Chapter 34 of Title 33 shall keep proof or evidence of required minimum insurance coverage in the vehicle at all times during the operation of the vehicle. The owner of a motor vehicle shall provide to any operator of such vehicle proof or evidence of required minimum insurance coverage for the purposes of compliance with this subsection. The proof or evidence of required minimum insurance coverage required by this subsection may be produced in either paper or electronic format. Acceptable electronic formats include a display of electronic images on a mobile electronic device.

(2) The following shall be acceptable proof of insurance on a temporary basis:

(A) If the policy providing such coverage was applied for within the last 30 days, a current written binder for such coverage for a period not exceeding 30 days from the date such binder was issued shall be considered satisfactory proof or evidence of required minimum insurance coverage;

(B) If the vehicle is operated under a rental agreement, a duly executed vehicle rental agreement shall be considered satisfactory proof or evidence of required minimum insurance coverage; and

(C) If the owner acquired ownership of the vehicle within the past 30 days, if the type of proof described in subparagraph (A) of this paragraph is not applicable but the vehicle is currently effectively provided with required minimum insurance coverage under the terms of a policy providing required minimum insurance



coverage for another motor vehicle, then a copy of the insurer's declaration of coverage under the policy providing such required minimum insurance coverage for such other vehicle shall be considered satisfactory proof or evidence of required minimum insurance coverage for the vehicle, but only if accompanied by proof or evidence that the owner acquired ownership of the vehicle within the past 30 days.

(2.1) If the vehicle is insured under a fleet policy as defined in Code Section 40-2-137 providing the required minimum insurance coverage or if the vehicle is engaged in interstate commerce and registered under the provisions of Article 3A of Chapter 2 of this title, the insurance information card issued by the insurer shall be considered satisfactory proof of required minimum insurance coverage for the vehicle.

(2.2) If the vehicle is insured under a certificate of self-insurance issued by the Commissioner of Insurance providing the required minimum insurance coverage under which the vehicle owner did not report the vehicle identification number to the Commissioner of Insurance, the insurance information card issued by the Commissioner of Insurance shall be considered satisfactory proof of required minimum insurance coverage for the vehicle, but only if accompanied by a copy of the certificate issued by the Commissioner of Insurance.

(3) The requirement under this Code section that proof or evidence of minimum liability insurance be maintained in a motor vehicle at all times during the operation of the vehicle or produced in electronic format shall not apply to the owner or operator of any vehicle for which the records or data base of the Department of Revenue indicates that required minimum insurance coverage is currently effective.

(4) Except as otherwise provided in paragraph (7) of this subsection, any person who fails to comply with the requirements of this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than \$200.00 nor more than \$1,000.00 or imprisonment for not more than 12 months, or both.

(5) Every law enforcement officer in this state shall determine if the operator of a motor vehicle subject to the provisions of this Code section has the required minimum insurance coverage every time the law enforcement officer stops the vehicle or requests the presentation of the driver's license of the operator of the vehicle.

(6) If a law enforcement officer of this state determines that the owner or operator of a motor vehicle subject to the provisions of this Code section does not have proof or evidence of required minimum insurance coverage, the arresting officer shall issue a uniform traffic citation for operating a motor vehicle without proof of insurance. If the court or arresting officer determines that the operator is not the owner, then a uniform traffic citation may be issued to the owner for authorizing the operation of a motor vehicle without proof of insurance.

(7) If the person receiving a citation under this subsection shows to the court having jurisdiction of the case that required minimum insurance coverage was in effect at the time the citation was issued, the court may impose a fine not to exceed \$25.00. The court shall not in this case forward a record of the disposition of the case to the Department of Driver Services, and the driver's license of such person shall not be suspended.

(8)

(A) For purposes of this Code section, a valid insurance card or verification in electronic format on a mobile electronic device shall be sufficient proof of insurance only for any vehicle covered under a fleet policy as defined in Code Section 40-2-137. The insurance card or verification in electronic format on a mobile electronic device for a fleet policy shall contain at least the name of the insurer, policy number, policy issue or effective date, policy expiration date, and the name of the insured and may, but shall not be required to, include the year, make, model, and vehicle identification number of the vehicle insured. If the operator of any vehicle covered under a fleet policy as defined in Code Section 40-2-137 presents a valid insurance card or verification in electronic format on a mobile electronic device for a fleet policy to any law enforcement officer or agency, and the officer or agency does not recognize the insurance card or verification in electronic format on a mobile electronic device as valid proof of insurance and impounds or tows such vehicle for lack of proof of insurance, the law enforcement agency or political subdivision shall be liable for and limited to the fees of the wrongful impoundment or towing of the vehicle, which in no way waives or diminishes any sovereign immunity of such governmental entity. If a person displays verification

in electronic format on a mobile electronic device pursuant to this subparagraph, such person shall not be deemed as consenting to law enforcement to access other contents of such mobile electronic device.

(B) For any vehicle covered under a policy of motor vehicle liability insurance that is not a fleet policy as defined in Code Section 40-2-137, the insurer shall issue a policy information card which shall contain, or may make available in an electronic format on a mobile electronic device, at least the name of the insurer, policy number, policy issue or effective date, policy expiration date, name of the insured, and year, make, model, and vehicle identification number of each vehicle insured; the owner or operator of the motor vehicle shall keep such policy information card in the vehicle at all times during operation of the vehicle for purposes of Code Section 40-6-273.1, but any such policy information card or policy information in an electronic format on a mobile electronic device shall not be sufficient proof of insurance for any purposes of this Code section except as otherwise provided in this Code section. If a person displays policy information in an electronic format on a mobile electronic device pursuant to this subparagraph, such person shall not be deemed as consenting to law enforcement to access other contents of such mobile electronic device.

(b) An owner or any other person who knowingly operates or knowingly authorizes another to operate a motor vehicle without effective insurance on such vehicle or without an approved plan of self-insurance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than \$200.00 nor more than \$1,000.00 or imprisonment for not more than 12 months, or both. An operator of a motor vehicle shall not be guilty of a violation of this Code section if such operator maintains a policy of motor vehicle insurance which extends coverage to any vehicle the operator may drive. An owner or operator of a motor vehicle shall not be issued a citation by a law enforcement officer for a violation of this Code section if the sole basis for issuance of such a citation is that the law enforcement officer is unable to obtain insurance coverage information from the records of the Department of Revenue.

(c) Any person who knowingly makes a false statement or certification under Code Section 40-5-71 or this Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than \$200.00 nor more than \$1,000.00 or imprisonment for not more than 12 months, or both.

(d) Except for vehicles insured under a fleet policy as defined in Code Section 40-2-137 or under a plan of self-insurance approved by the Commissioner of Insurance, insurance coverage information from records of the Department of Revenue shall be prima-facie evidence of the facts stated therein and shall be admissible as evidence in accordance with Code Section 24-9-924 for the purposes of this Code section.

History

Code 1981, § 40-6-10, enacted by Ga. L. 1990, p. 2048, § 5; Ga. L. 1996, p. 1079, § 1; Ga. L. 2000, p. 429 §§ 5, 5A; Ga. L. 2001, p. 1228, § 2A; Ga. L. 2002, p. 1, § 1; Ga. L. 2003, p. 261, § 5; Ga. L. 2005, p. 334, § 18-1/HB 501; Ga. L. 2008, p. 209, § 1/HB 1235; Ga. L. 2010, p. 143, § 10/HB 1005; Ga. L. 2011, p. 99, § 59/HB 24; Ga. L. 2013, p. 607, § 1/HB 254; Ga. L. 2019, p. 1056, § 40/SB 52.

▼ Annotations

Notes

Amendments.

The 2019 amendment, effective May 12, 2019, part of an Act to revise, modernize, and correct the Code, substituted "the Department of Driver Services" for "the department" in the second sentence of paragraph (a)(7); and substituted "the Department of Revenue" for "the department" at the end of the last sentence of subsection (b) and in the middle of subsection (d).

Code Commission notes.

Pursuant to Code Section 28-9-5, in 2002, "data base" was substituted for "database" in paragraph (a)(3).

Editor's notes.

Ga. L. 2000, p. 429, § 1, not codified by the General Assembly, provides: "(a) The General Assembly finds that a significant number of motor vehicle owners in this state fail to meet the requirements of existing law for minimum motor vehicle liability insurance. The General Assembly finds further that enforcement of such requirements is made difficult by existing methods and procedures for tracking insurance coverage and providing proof of insurance.

"(b) The General Assembly declares that the purpose of this Act is to improve enforcement of minimum motor vehicle liability insurance requirements by providing the Department of Public Safety with updated information from insurers regarding those vehicles for which minimum motor vehicle liability insurance coverage is in effect, which information may be made accessible to law enforcement officers throughout the state, all without hampering the underwriting activities of any insurer or changing existing penalties for operating a motor vehicle without minimum liability insurance coverage."

Code Section 40-5-71, referred to in subsection (c), was repealed by Ga. L. 2010, p. 143, § 8/HB 1005, effective May 20, 2010.

Ga. L. 2011, p. 99, § 101/HB 24, not codified by the General Assembly, provides that this Act shall apply to any motion made or hearing or trial commenced on or after January 1, 2013.

JUDICIAL DECISIONS

Editor's notes.

In light of the similarity of the statutory provisions, decisions under Ga. L. 1974, p. 113, § 14 and decisions under former Code Section 33-34-12, which was renumbered as Code Section 40-6-10 by Ga. L. 1990, p. 2048, § 5, are included in the annotations for this Code section.

Section states separate offenses. —

Paragraph (a)(1) and subsection (b) of O.C.G.A. § 40-6-10 do not simply describe alternative ways of committing a single crime, but rather describe two separate offenses. *Thompson v. State*, 243 Ga. App. 878, 534 S.E.2d 151, 2000 Ga. App. LEXIS 528 (2000), cert. denied, No. S00C1514, 2000 Ga. LEXIS 732 (Ga. Sept. 28, 2000).

Mandatory insurance requirement is constitutional. —

Mandatory requirement for insurance coverage is not violative of due process, is not violative of First Amendment rights, and is not an unconstitutional exercise by the state of the state's police power. *Andrew v. State*, 238 Ga. 433, 233 S.E.2d 209, 1977 Ga. LEXIS 1050 (1977) (decided under Ga. L. 1974, p. 113, § 14).

Request for insurance card not required. —

O.C.G.A. § 40-6-10 does not require that an officer "request" an insurance card in order to prosecute a driver for no proof of insurance; it is sufficient that no such proof can be found in the vehicle. *Moore v. State*, 234 Ga. App. 332, 506 S.E.2d 685.

Uninsured's liability in negligence action. —

When one fails to obtain coverage as required by the Georgia Motor Vehicle Repairs Act, one is subjected to the prescribed penalties and may be liable in a negligence action as a tortfeasor since the protection of no fault coverage is not afforded. *Tamiami Trail Tours, Inc. v. Bess*, 150 Ga. App. 632, 258 S.E.2d 200, 1979 Ga. App. LEXIS 2232 (1979) (decided under Ga. L. 1974, p. 113, § 14).

Willful injury. —

Because any driver may be involved in an accident and such an accident may be determined to be the fault of such driver, the intentional act of driving without insurance coupled with negligent driving inflicts both a physical and economic injury, and the economic injury is a willful one. In *re Whipple*, 138 B.R. 137, 1991 Bankr. LEXIS 2051 (Bankr. S.D. Ga. 1991) (decided under pre-1991 section).

Recorder's court lacks jurisdiction. —

Recorder's court lacked jurisdiction to try a defendant for driving without insurance, and neither O.C.G.A. § 16-1-7 nor O.C.G.A. § 16-1-8 precluded later prosecution in superior court for operating a motor vehicle after having been declared a habitual violator and for driving under the influence. *Parker v. State*, 170 Ga. App. 333, 317 S.E.2d 209, 1984 Ga. App. LEXIS 2878 (1984) (decided under former § 33-34-12).

Construction of "knowingly operating." —

Defendant's inability to present proof of insurance does not establish that the defendant was knowingly operating a motor vehicle without effective insurance; failure to keep proof of insurance coverage and driving a vehicle without liability insurance are separate offenses. *Jones v. State*, 195 Ga. App. 569, 394 S.E.2d 387, 1990 Ga. App. LEXIS 605 (1990).

Knowledge that car was uninsured. —

For driving without insurance in violation of O.C.G.A. § 40-6-10(b), while although the state may have proved that the vehicle was uninsured and that the defendant was driving the vehicle without a license to drive, no evidence presented permitted the inference beyond a reasonable doubt that the defendant had knowledge that the car was uninsured. *English v. State*, 261 Ga. App. 157, 582 S.E.2d 136, 2003 Ga. App. LEXIS 580 (2003).

Defendant's knowledge of policy expiration inferrable. —

Conviction for a violation of former § 33-34-12 (see now O.C.G.A. § 40-6-10) will not be precluded merely by a defendant's asserted lack of knowledge that defendant's insurance policy had expired; knowledge may be inferred from other facts and circumstances. *Quaile v. State*, 172 Ga. App. 421, 323 S.E.2d 281, 1984 Ga. App. LEXIS 3059 (1984) (decided under former § 33-34-12); *Thompson v. State*, 243 Ga. App. 878, 534 S.E.2d 151, 2000 Ga. App. LEXIS 528 (2000), cert. denied, No. S00C1514, 2000 Ga. LEXIS 732 (Ga. Sept. 28, 2000).

Stop on basis of "unknown" insurance status was improper. —

Computer's return of "unknown" in response to a query regarding the insured status of a vehicle did not create a reasonable suspicion of criminal activity; thus, an officer's stop of the defendant's car solely on the basis of an "unknown" insurance status was improper, the later search of the car was tainted, and the trial court properly suppressed the search results. *State v. Dixon*, 280 Ga. App. 260, 633 S.E.2d 636, 2006 Ga. App. LEXIS 824 (2006), cert. denied, No. S06C1953, 2006 Ga. LEXIS 787 (Ga. Oct. 2, 2006).

Proof of insurance produced meant no impoundment of vehicle. —

Trial court properly granted the defendant's motion to suppress evidence obtained after the defendant's car was impounded during a traffic stop because, even though the officer had reasonable articulable suspicion to initiate the traffic stop based on criminal database search results that the defendant's car was not insured, once the defendant provided proof of insurance in an acceptable

manner, the officer did not have probable cause to arrest the defendant or issue the defendant a citation; and, without probable cause to issue the citation, the officer had no basis for impounding the defendant's vehicle. *State v. Lewis*, 344 Ga. App. 630, 811 S.E.2d 436, 2018 Ga. App. LEXIS 113 (2018).

Out-of-state vehicle. —

When it was uncontroverted that the car defendant was driving was an Illinois automobile not required to be registered under Georgia law, the defendant was not subject to arrest under O.C.G.A. § 40-6-10(a)(1) for failure to have proof of insurance for the car. *Sanchez v. State*, 197 Ga. App. 470, 398 S.E.2d 740, 1990 Ga. App. LEXIS 1345 (1990).

Lesser included offenses. —

Operating motor vehicle without insurance is not lesser included offense of false swearing. *Bowen v. State*, 173 Ga. App. 361, 326 S.E.2d 525, 1985 Ga. App. LEXIS 2625 (1985) (decided under former § 33-34-12).

Proof necessary to support conviction. —

When the police officer requested proof of insurance during a lawful traffic stop and the defendant did not provide such proof, there was sufficient evidence to establish that the defendant failed to comply with O.C.G.A. § 40-6-10; therefore, the trial court did not err in denying the defendant's motion for directed verdict. *Johnson v. State*, 251 Ga. App. 659, 555 S.E.2d 34, 2001 Ga. App. LEXIS 1107 (2001).

Evidence supported guilty verdict. —

Evidence was sufficient to support the jury's guilty verdict on the charge defendant failed to maintain no-fault insurance on the vehicle involved in the collision. *Nash v. State*, 179 Ga. App. 702, 347 S.E.2d 651, 1986 Ga. App. LEXIS 2667 (1986), overruled, *Atlanta Indep. Sch. Sys. v. Lane*, 266 Ga. 657, 469 S.E.2d 22, 1996 Ga. LEXIS 134 (1996) (decided under former § 33-34-12).

Evidence was sufficient to support a conviction since: (1) after the defendant was stopped at a roadblock, an officer asked the defendant for the defendant's license and proof of insurance and the defendant responded by asking what the defendant had done; (2) the defendant was told that the defendant had done nothing, but that the papers still needed to be checked; (3) the defendant then stated that the defendant had not committed a crime and asked for the officer's badge number; (4) the officer gave this information to the defendant and then told the defendant that the defendant needed to produce the defendant's papers and that the defendant would otherwise be arrested; (5) the defendant then asked for the code section which permitted the officer to ask for the defendant's license; and (6) after this went on for several minutes, another officer came over and arrested the defendant. *Johnson v. State*, 234 Ga. App. 218, 507 S.E.2d 13, 1998 Ga. App. LEXIS 1121 (1998), cert. denied, No. S99C0036, 1999 Ga. LEXIS 83 (Ga. Jan. 15, 1999); *Davidson v. State*, 237 Ga. App. 580, 516 S.E.2d 90.

Defendant's conviction for driving without insurance in violation of O.C.G.A. § 40-6-10(b) was based on sufficient evidence and, accordingly, the trial court's denial of defendant's motion for a judgment of acquittal pursuant to O.C.G.A. § 17-9-1 was properly denied since the jury determined, based mainly on circumstantial evidence, that the elements of the crime were satisfied; the record revealed that defendant was involved in a collision, slowed down briefly and then fled the scene, and then produced an insurance card which did not appear to be authentic and was not validated by the insurance company. *Augustin v. State*, 260 Ga. App. 631, 580 S.E.2d 640, 2003 Ga. App. LEXIS 443 (2003).

Evidence that the defendant, following a high-speed motor vehicle chase with police, could not produce proof of insurance was sufficient to support the guilty verdict returned against the defendant

for driving with no proof of insurance. *Arnold v. State*, 262 Ga. App. 61, 584 S.E.2d 662, 2003 Ga. App. LEXIS 837 (2003).

Defendant's motion for a directed verdict on the charge of driving with no proof of insurance was properly denied because the arresting officer confirmed several times that the defendant could not find the defendant's proof of insurance, which was sufficient evidence to sustain the conviction. *Broadnax-Woodland v. State*, 265 Ga. App. 669, 595 S.E.2d 350, 2004 Ga. App. LEXIS 218 (2004).

Evidence that a defendant received and drove a car following the defendant's father's death and drove the car without procuring insurance for the car was sufficient to prove a violation of O.C.G.A. § 40-6-10. *Lawson v. State*, 313 Ga. App. 751, 722 S.E.2d 446, 2012 Ga. App. LEXIS 71 (2012).

Evidence was insufficient for conviction since there was no indication that any law enforcement officer ever asked the defendant about insurance. *Kersey v. State*, 243 Ga. App. 689, 534 S.E.2d 428, 2000 Ga. App. LEXIS 529 (2000).

When the state presented no evidence in response to the defense's evidence of an insurance card and, in fact, did not even object to the card's admission into evidence, the state failed to present sufficient evidence to support the charge of operating a vehicle without insurance pursuant to O.C.G.A. § 40-6-10(b), and the defendant's conviction on that charge had to be reversed. *Spence v. State*, 263 Ga. App. 25, 587 S.E.2d 183, 2003 Ga. App. LEXIS 1079 (2003).

Defendant was entitled to reversal of the conviction for no proof of insurance because the responding officer testified that the officer did not find any proof of insurance inside the vehicle the defendant was driving, the officer did not state that the officer was unable to verify through the Department of Revenue records whether the vehicle was insured at the time of the accident, and the owner, who was not the defendant, was responsible for providing the defendant with such proof. *Fouts v. State*, 322 Ga. App. 261, 744 S.E.2d 451, 2013 Ga. App. LEXIS 493 (2013).

Jury instructions. —

With regard to the charge of driving a vehicle without liability insurance, a trial court erred in also instructing the jury that a driver has the duty to present proof of insurance upon the request of a law enforcement officer; these are separate offenses. *Griffith v. State*, 172 Ga. App. 255, 322 S.E.2d 921, 1984 Ga. App. LEXIS 3044 (1984) (decided under former § 33-34-12).

When the defendant was charged with failing to maintain the defendant's lane in violation of O.C.G.A. § 40-6-48 and failing to use a turn signal in violation of O.C.G.A. § 40-6-123, the trial court properly instructed the jury as to the definition of the standard for strict liability offenses because the state was not required to prove mental fault or mens rea in those offenses; although O.C.G.A. § 40-6-10(b) required proof that the defendant knowingly operated the vehicle with no insurance, and O.C.G.A. § 40-6-270 required proof that the defendant knowingly failed to stop and comply with the statute's mandates, the trial court's charge on intent was found sufficient. *Augustin v. State*, 260 Ga. App. 631, 580 S.E.2d 640, 2003 Ga. App. LEXIS 443 (2003).

Charge of "no insurance." —

Since the defendant was charged with only one crime, described as "no insurance" rather than "no proof of insurance," the defendant was charged with a violation of O.C.G.A. § 40-6-10(b), rather than a violation of § 40-6-10(a)(1) and, because § 40-6-10(b) requires proof that the defendant knowingly operated the vehicle with no insurance, the defendant was entitled to a jury instruction as to that element. *Thompson v. State*, 243 Ga. App. 878, 534 S.E.2d 151, 2000 Ga. App. LEXIS 528 (2000), cert. denied, No. S00C1514, 2000 Ga. LEXIS 732 (Ga. Sept. 28, 2000).

Proof of insurance for sentencing purposes. —

O.C.G.A. § 40-6-10 mandates a lesser sentence for those who fail to have proof of insurance when they are stopped, but can later show the court that they actually were insured. *Bailey v. State*, 241

Ga. App. 497, 526 S.E.2d 865, 1999 Ga. App. LEXIS 1632 (1999).

Sentence not unconstitutional. —

Defendant's sentence of 12 months confinement to be served on probation following 60 days of confinement, \$1,500 in fines, 100 hours of community service, and a mental health evaluation for obstruction of a law enforcement officer, driving without insurance, and failing to register a vehicle was within the statutory limits set by O.C.G.A. §§ 16-10-24(b), 40-2-20(c), and 40-6-10(b), and did not shock the conscience. *Smith v. State*, 311 Ga. App. 184, 715 S.E.2d 434, 2011 Ga. App. LEXIS 617 (2011).

"Knowing" was not an element to be proven. —

Word "knowing" was not essential to proving the crime of driving with no proof of insurance, and its inclusion in the accusation was mere surplusage. The accusation was sufficient to inform the defendant of the charge against the defendant, and to protect the defendant from another prosecution for the same offense. *Broadnax-Woodland v. State*, 265 Ga. App. 669, 595 S.E.2d 350, 2004 Ga. App. LEXIS 218 (2004).

Opinion Notes

OPINIONS OF THE ATTORNEY GENERAL

In light of the similarity of the statutory provisions, opinions under Ga. L. 1974, p. 113, § 14 and former Code Section 33-34-12, which was renumbered as Code Section 40-6-10 by Ga. L. 1990, p. 2048, § 5, are included in the annotations for this Code section.

"Operator,"

as used in former § 33-34-12 (see now O.C.G.A. § 40-6-10), is applicable to anyone operating a motor vehicle, regardless of whether that person owns the motor vehicle or is related to the owner of the motor vehicle. 1989 Op. Att'y Gen. No. U89-3 (decided under former § 33-34-12).

Owners and non-owner operators must have proof of insurance. —

Paragraph (a)(1) of former § 33-34-12 (see now O.C.G.A. § 40-6-10) requires both the owner and a non-owner operator of a motor vehicle to maintain adequate proof or evidence of the requisite insurance on the vehicle, and that responsibility is no longer limited solely to the owner of the vehicle. 1988 Op. Att'y Gen. No. U88-13 (decided under former § 33-34-12).

Magistrate court's limited jurisdiction. —

Jurisdiction of magistrate's court of county does not embrace criminal prosecutions for violations of the insurance laws of this state, specifically proceedings brought under Ga. L. 1974, p. 113, § 14 (see now O.C.G.A. § 40-6-10). 1975 Op. Att'y Gen. No. U75-46 (decided under Ga. L. 1974, p. 113, § 14).

Recorder's court limited jurisdiction. —

Recorder's court does not have authority to handle cases arising under Ga. L. 1974, p. 113, § 14 (see now O.C.G.A. § 40-6-10). 1980 Op. Att'y Gen. No. U80-4 (decided under Ga. L. 1974, p. 113, § 14).

Recorder's court does not have the authority to try offenses under subsection (a) of former § 33-34-12 (see now O.C.G.A. § 40-6-10). 1983 Op. Att'y Gen. No. U83-41 (decided under former § 33-34-12).

Law enforcement officers may stop and check drivers for proof of insurance,

and may utilize the failure to produce such proof to trigger a requirement that such proof be provided within a reasonable time to avoid a citation for no insurance; but no citations may be issued for

failure to produce proof of insurance on the spot. 1980 Op. Att’y Gen. No. U80-18 (decided under Ga. L. 1974, p. 113, § 14).

Effect of 1987 amendment on nonresidents. —

Although nonresidents may be charged with a violation of subsection (b) of former § 33-34-12 (see now O.C.G.A. § 40-6-10) when operating an uninsured motor vehicle, nonresidents may not be charged with a violation of paragraph (a)(1) of former § 33-34-12 (see now O.C.G.A. § 40-6-10) as that subsection applies only to owners or operators of motor vehicles who are residents of the State of Georgia or who are otherwise required to register their vehicles in the State of Georgia. 1987 Op. Att’y Gen. No. 87-30 (decided under former § 33-34-12).

Violations by nonresidents. —

Nonresident operating uninsured motor vehicle may be charged with violation of Ga. L. 1974, p. 113, § 14 (see now O.C.G.A. § 40-6-10) regardless of whether the home state of the nonresident requires such a vehicle to be insured. 1985 Op. Att’y Gen. No. U85-26 (decided under Ga. L. 1974, p. 113, § 14).

Driver of a borrowed automobile is required to show proof of insurance

upon request. 1989 Op. Att’y Gen. No. U89-3 (decided under Ga. L. 1974, p. 113, § 14).

Effect of 1989 amendment on fingerprinting requirements. —

After the 1989 amendment of Ga. L. 1974, p. 113, § 14 (see now O.C.G.A. § 40-6-10) increased the potential penalty for this offense to 12 months imprisonment (the previous version authorized a maximum term of imprisonment of 30 days), and affects only the potential penalty and does not modify the elements of the offense itself, the offense shall not be designated as an offense requiring fingerprinting. 1989 Op. Att’y Gen. 89-52 (decided under Ga. L. 1974, p. 113, § 14).

Research References & Practice Aids

Cross references.

Requirements of motor vehicle liability insurance policies and uninsured motorist coverage, § 33-7-11.

Motor vehicle accident reparations, T. 33, C. 34.

Proof of financial responsibility, T. 40, C. 9.

Motor carrier bond or insurance, § 40-1-112.

Law reviews.

For note on the 2001 amendment of this Code section, see 18 Ga. St. U.L. Rev. 177 (2001).

For note on the 2003 amendment to this Code section, see 20 Ga. St. U.L. Rev. 208 (2003).

For article, “Evidence,” see 27 Ga. St. U. L. Rev. 1 (2011).

For article on the 2011 amendment of this Code section, see 28 Ga. St. U.L. Rev. 1 (2011).

RESEARCH REFERENCES

Am. Jur. 2d.

7A Am. Jur. 2d, Automobiles and Highway Traffic, § 168 et seq.

Hierarchy Notes:

O.C.G.A. Title 40

O.C.G.A. Title 40, Ch. 6

O.C.G.A. Title 40, Ch. 6, Art. 1

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